

**GARY T. WINNETT, FRED A
JACKSON-CHITTUM, CASPER R.
HARRIS, WILLIAM H. DAILEY,
CALVIN E. GROGAN, KENNETH C.
HAMMER, and CHARLES A.
WATERFIELD, on behalf of themselves
and others similarly situated,**

Plaintiffs,

v.

CATERPILLAR, INC.,

Defendant/Third-Party Plaintiff,

v.

INTERNATIONAL UNION, UAW, *et. al*,

Third-Party Defendants.

Case No. 3:06-cv-00235
District Judge Trauger
Magistrate Judge Brown

Class Action

ORDER

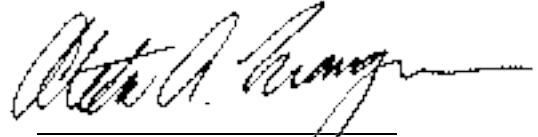
For the reasons expressed in the accompanying Memorandum, the third-party defendants' motion to dismiss (Docket No. 164) is GRANTED IN PART and DENIED IN PART. The third-party defendants' motion to dismiss for lack of personal jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure is hereby GRANTED. All claims against the six out-of-state Local Unions in Illinois, Pennsylvania, and Colorado are hereby DISMISSED.

The third-party defendants' motion to dismiss for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure is hereby GRANTED IN PART and DENIED

IN PART. The motion is GRANTED as to Counts I and II. Accordingly, those claims are dismissed. The motion is DENIED as to Counts III and IV.

It is so ordered.

Entered this 1st day of May, 2008.

A handwritten signature in black ink, appearing to read 'Aleta A. Trauger', with a long horizontal flourish extending to the right.

ALETA A. TRAUGER
United States District Judge